

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DALE LESTER MORRIS,

Plaintiff,

Case No. 21-10404

v.

Honorable Nancy G. Edmunds

HEIDI WASHINGTON and
GRETCHEN WHITMER,

Defendants.

**ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S
MAY 9, 2022 REPORT AND RECOMMENDATION [38]**

This is a pro civil rights lawsuit filed under 42 U.S.C. § 1983 by Plaintiff Dale Lester Morris, who was a prisoner in the custody of the Michigan Department of Corrections (“MDOC”) at the time of its filing. The defendants who remain in this case are MDOC Director Heidi Washington and Governor Gretchen Whitmer.¹ The case has been referred to Magistrate Judge Patricia T. Morris for all pre-trial matters. (ECF No. 24.) Before the Court is the Magistrate Judge’s May 9, 2022 report and recommendation to grant Defendants’ motion for summary judgment based on Plaintiff’s failure to exhaust his administrative remedies. (ECF No. 38.) No party has filed objections. Generally, “the failure to object to the magistrate judge’s report[] releases the Court from its duty to independently review the matter.” See *Hall v. Rawal*, No. 09-10933, 2012 U.S. Dist. LEXIS 120541, at *2 (E.D. Mich. Aug. 24, 2012) (citing *Thomas v. Arn*, 474 U.S. 140, 149

¹ The Court previously entered an opinion and order dismissing the MDOC from this case and dismissing Plaintiff’s claims for money damages from Defendants Washington and Whitmer in their official capacities. (ECF No. 13.)

(1985)). The Court notes that here the copy of the report and recommendation that was served on Plaintiff was returned as undeliverable because he has been paroled. (ECF No. 39.) It is Plaintiff, however, who has the duty to promptly notify the Court of any address change. See *Dorsey v. Gidley*, No. 18-CV-10338, 2020 U.S. Dist. LEXIS 127365, at *2-3 (E.D. Mich. July 20, 2020). Plaintiff was provided notice of this obligation from the outset of the case and was warned that failure to comply with this requirement may result in dismissal of his case.² (ECF No. 9.) Nonetheless, the Court has reviewed the report and recommendation and agrees with the Magistrate Judge. The Court, therefore, ACCEPTS AND ADOPTS the report and recommendation (ECF No. 38). Accordingly, Defendants' motion for summary judgment (ECF No. 33) is GRANTED and the remaining claims against Defendants Washington and Whitmer are DISMISSED without prejudice.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: June 2, 2022

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 2, 2022, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager

² Plaintiff has exhibited his awareness of the obligation to inform the Court of any address change by complying with this requirement in the past. (ECF No. 25.)